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EXAMINER				
ZHONG, JUN FEI				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/726,727

**Applicant(s)**

MATZ, WILLIAM RANDOLPH

**Examiner**

JUN FEI ZHONG

**Art Unit**

2426

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 November 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 18, 20 and 22-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18, 20 and 22-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Status of Claims***

1. Claims 18, 20, 22-24 are pending.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 18, 20, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arai et al. (Patent # US 6486920) in view of Marsh (Pub # US 2003/0195863, hereinafter "Marsh '863"), in view of Marsh (Patent # US 7475417, hereinafter "Marsh '417"), further in view of Kaltz (Pub # US 2003/0159145), and further in view of Labeeb et al. (Pub # US 2003/0093792 A1).

As to claim 18, Arai discloses a method of displaying a programming guide of channel content in a distributed network (Fig. 73), the method comprising:

receiving content tag information prior to receiving content to which a tag is directly appended (e.g., receives search criteria (program description information) from a user; the transport stream including multiplexed program information and AV data) (see abstract; col. 8, lines 1-34; col. 9, line 55-col. 10, line 32; Fig. 5);

evaluating content tag information, wherein evaluating the content tag information comprises implementing a user profile comprising a stored profile of preferences, wherein the stored profile of preferences comprises user selected criteria (e.g., searching program that meets the search condition, such as program fee less than 100 yen) (see col. 8, lines 45-65; col. 9, line 55-col. 10, line 32; Fig. 1 and 3);

displaying a personalized programming guide, wherein the personalized programming guide displays a preferred subset of available tagged content, wherein the preferred subset is based on the user profile, wherein the personalized programming guide displays at least one personalized channel having tagged content from at least two predetermined channels (e.g., searching program information matched search condition selected by user and display in "My Channel") (see col. 9, lines 17-35; Fig. 4, 6).

Arai does not specifically disclose the content tag information comprises content type, content title, viewer age information, viewer gender information, viewer income information, viewer location information, and content rating information;

Marsh discloses the tag is directly appended (e.g., adding content description metadata to a particular media content), wherein the content tag information comprises content type, content title, viewer age information, viewer gender information, viewer income information, viewer location information, and content rating information (e.g., metadata includes content type, title and rating information, also includes viewer age, gender, income, and location information) (see paragraph 0035, 0080, 0193, 0227-0232, 0525, 0961, 1271)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide content metadata as taught by Marsh to the personal channel system of Arai to provide a user to make decisions about which programs to view based on descriptive data associated with programs beyond the short descriptions typically displayed in an EPG (see paragraph 0003).

Arai and Marsh'863 fail to specifically disclose the user preference including exclusion of contents.

In an analogues art, Marsh '417 discloses the profile of preference comprises user selected criteria comprising at least one content rating (e.g., content rating) to exclude and at least one programming type (e.g., talk shows) to exclude; wherein the personalized channel excludes tagged content (e.g., excludes certain programs) and excludes an identification of a channel number associated with excluded tagged content (e.g., excludes a channel) based on the at least one content rating in the user profile (e.g., excludes content meet certain rating (included in EPG database)) and based on the at least one programming type to exclude (e.g., excludes talk shows) (see col. 4, lines 39-50; col. 5, lines 28-60);

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide content rating as taught by Marsh '417 to the personal channel system of Arai as modified by Marsh'863 to provide a personalized channel that a user could excludes certain programs/channels even though they meet the search criteria.

Arai, Marsh do not specifically disclose identifying content preferences in user-assigned order.

Kaltz discloses identifying content preferences selected manually by a user in user-assigned order (e.g., user crates a priority list; Fig. 4),

wherein conflict is resolved between tagged content from the two or more predetermined channels match the user profile and occur at the same time by selecting tagged content from one of the at least two predetermined channels that matches a highest order preference in the user profile (e.g., using a tie-breaker attribute to chose content when more then one content matches; Fig. 9) (see paragraph 0014, 0024-0026, 0034-0036)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide preferences in user-assigned order as taught by Kaltz to the personal channel system of Arai as modified by Marsh when there are more then one content matches user's profile, the system can provide user with the best match content (based on the ranking) to satisfy user's need.

Arai, Marsh and Kaltz do not specifically disclose the user preferences selected automatically based on user history, and updated automatically based on updated historical information.

Labeeb discloses a user profile comprising a stored profile of preferences selected manually by a user (e.g., viewer created profile), selected automatically based on user history, and updated automatically based on updated historical information

(e.g., personal preference database generated by user's viewing habits; and updating user selection history) (see paragraph 0067, 0073, 0104-0106, 110-0114, 0207),

wherein the personalized channel excludes tagged content based on the at least one programming type to exclude (e.g., filtering out Ads that not be interesting to the viewer) (see paragraph 0067, 0073, 0104-0106, 3010).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide automatically generated profile as taught by Labeeb to the personal channel system of Arai as modified by Marsh and Kaltz because it allows the viewer to select one of the plurality of received TV programs for viewing, and responding to the viewer selection by controlling the programming displayed to the viewer in accordance with the viewer selection and with previously determined viewing preferences of the viewer (see paragraph 0003).

As to claim 23, it contains the limitations of claim 18 and are analyzed as previously discussed with respect to claim 18 above.

As to claim 20, Arai in combination of Marsh Kaltz and Labeeb disclose a the method of claim 18, wherein the personalized programming guide blocks content tags appended to content to be excluded, as identified in the user profile (e.g., only program information matched search condition in the search result; i.e., blocking not matched information) (see Arai col. 8, lines 45-65; Fig. 1 and 3).

4. Claims 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arai in view of Marsh (Pub # US 2003/0195863, hereinafter "Marsh '863"), in view of Marsh (Patent # US 7475417, hereinafter "Marsh '417"), in view of Kaltz (Pub # US 2003/0159145), in view of Labeeb et al. (Pub # US 2003/0093792 A1), further in view of Jerding et al. (Pub # US 2005/0044565).

As to claim 22, Arai discloses the method of claim 21 wherein the programming guide scrolls through the predetermined channels, wherein the method further comprises: displaying the at least one personalized channels (e.g., "My Channel", Fig. 4 and 8).

However, Arai does not explicitly disclose continuously display at least one personalized channels.

Jerding discloses continuously displaying the at least one personalized channels (e.g., always presenting a favorite channel) (see paragraph 0054).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to continuously displaying the personalized channels as taught by Jerding to the personal channel system of Arai as modified by Marsh, Kaltz and Labeeb in order to provide a program guide that allows the user to quickly access the frequently watch channel.



As to claim 24, it contains the limitations of claim 22 and is analyzed as previously discussed with respect to claim 22 above.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 18, 20, 22-24 have been considered but are moot in view of the new ground(s) of rejection.
6. In light of the amendments, the 35 USC 101 rejections are withdrawn.

### ***Conclusion***

7. Claims 18, 20, 22-24 are rejected.
8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Novak et al. (Patent # US 7103905 B2) is cited to teach personal channel.

Traw et al. (Pub # US 2003/0066090 A1) is cited to teach personalized channel.

Blas (Pub # US 2004/0216158) is cited to teach personal program guide.

### ***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUN FEI ZHONG whose telephone number is (571)270-1708. The examiner can normally be reached on M-F, 7:30~5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hirl can be reached on 571-272-3685. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JFZ  
12/23/2010

/Joseph P. Hirl/  
Supervisory Patent Examiner, Art Unit 2426  
December 27, 2010